

Message Text

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TAGS: PINS, SHUM, ZA, RH

SUBJECT: CONGRESSIONAL INQUIRY RE ZIMBABWEAN DETAINEES

REF: STATE 136304

1. LATEST EMBASSY REPORTING ON STATUS ZANU/ZANLA DETAINEES CONTAINED IN LUSAKA A-37 POUCHED JUNE 8. TO SUMMARIZE, FORMAL DETENTION ORDERS WERE ISSUED AGAINST 57 MEMBERS OF NOW-BANNED ZANU FOLLOWING TWO MONTHS INVESTIGATION BY GRZ INTO MURDERS OF LATE ZANU LEADER HERBERT CHITEPO AND, REPORTEDLY, AS MANY AS 155 OTHER MEMBERS OF THAT MOVEMENT. ZAMBIANS HAVE INVITED OTHER AFRICAN GOVTS PARTICIPATE IN INTERNATIONAL COMMISSION INVESTIGATING THESE CRIMES (LUSAKA 569) BUT LITTLE HAS BEEN HEARD SO FAR OF ITS ACTIVITIES. HOWEVER, GRZ OBVIOUSLY CONSIDERS IT HAS LEGAL EVIDENCE AGAINST THOSE DETAINED. MINISTER OF HOME AFFAIRS RECENTLY TOLD CHARGE THAT NUMBER OF DETAINEES WOULD BE BROUGHT TO TRIAL IN OPEN COURT ON COUNTS OF MURDER, KIDNAPPING AND OTHER CRIMES. FACT NO CHARGES YET FILED PROBABLY DUE TO ZAMBIAN CONCERN THAT PUBLIC AIRING AT THIS TIME OF MURDEROUS INTRA-ZANU RIVALRIES WOULD FURTHER UNDERMINE ALREADY VERY SHAKY UNITY OF ZIMBABWE LIBERATION MOVEMENT AND EMBARRASS ANC IN ITS EFFORTS REACH AGREEMENT WITH IAN SMITH ON CONSTITUTIONAL TALKS.

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2. IN RESPONSE TO SPECIFIC QUESTIONS RAISED BY CONGRESSMAN
DIGGS, DEPT MAY WISH MAKE FOLLOWING POINTS:

A. FORMAL DETENTION ORDERS UNDER PUBLIC SECURITY
REGULATIONS HAVE NOW BEEN ISSUED AGAINST 57 FORMER ZANU
POLITICAL AND MILITARY CADRES. ISSUANCE OF SUCH DETENTION
ORDERS IS LEGAL AND NOT UNCOMMON STEP WHERE PRESIDENT HAS
REASON TO BELIEVE THAT INDIVIDUALS IF LEFT AT LIBERTY WOULD
CONSTITUTE THREAT TO PUBLIC SAFETY AND ORDER. HIS RIGHT TO
DO SO HAS BEEN UPHELD BY ZAMBIAN COURTS. GRZ HAS COMPLIED
WITH LEGAL REQUIREMENTS BY PUBLISHING ON MAY 23 AND MAY 30
NAMES OF THOSE DETAINED AND THEIR PLACES OF DETENTION. UNDER
LAW DETAINEES MAY SEEK JUDICIAL REVIEW OF DETENTION ORDER
AGAINST THEM WITHIN ONE MONTH OF ITS ISSUANCE.

B. ALLEGATIONS THAT PRISONERS ARE OR HAVE BEEN ILL-TREATED
OR PERHAPS TORTURED HAVE BEEN AIRED BY ZANU SUPPORTERS ABROAD
AND REPEATED BY AMNESTY INTERNATIONAL. LATTER HAS IDICATED
IT PREPARED SUBMIT MEMORANDUM TO INTERNATIONAL COMMISSION
ESTABLISHED BY GRZ RE THESE ALLEGATIONS AND SEND DELEGATION
TO ZAMBIA TO INVESTIGATE THEM. EMBASSY UNABLE INDEPENDENTLY
TO VERIFY THESE ALLEGATIONS.

C. IT IS TRUE THOSE DETAINED WERE IN SOME CASES
HELD FOR UP TO TWO MONTHS BEFORE FORMAL DETENTION
ORDERS WERE SERVED. ZAMBIAN OFFICIALS HAVE SAID
DETAINEES WILL PROBABLY BE BROUGHT TO OPEN TRIAL ON
CHARGES OF MURDER, KIDNAPPING AND OTHER CRIMES COMMITTED
ON ZAMBIAN SOIL. HOWEVER, NO FORMAL CRIMINAL CHARGES HAVE
YET BEEN FILED.

D. RESIGNATION OF FORMER LEGAL AFFAIRS PERM SECY AND
DIRECTOR OF PROSECUTIONS GIBSON CHIGAGA TOOK PLACE APRIL 16.
ACCORDING TO TIMES OF ZAMBIA, CHIGAGA HAD MADE KNOWN TO
PRES KAUNDA IN FEB HIS WISH TO RESIGN TO ENTER PRIVATE LAW
PRACTICE. EMBASSY HAS NO INFO TO SUGGEST CHIGAGA RESIGNATION
STEMMED FROM DISAGREEMENT WITH PRES OVER HANDLING OF ZANU
DETAINEES.

3. DEPT MAY WISH ALSO POINT OUT TO CONGRESSMAN THAT ZAMBIAN
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RECORD WITH RESPECT TO HUMAN RIGHTS MATTERS IS RELATIVELY
GOOD ONE (SEE LUSAKA A-17, ARCH 18) AND IS RECOGNIZED EVEN
BY AMNESTY INTERNATIONAL WHOSE 1973 REPORT MENTIONED ZAMBIA
FAVORABLY AS COUNTRY WHERE STEPS HAD BEEN TAKEN BY AUTHORITIES
TO BRING TO TRIAL MEMBERS OF POLICE FORCE ACCUSED OF TORTURE.
POINT TO BE STRESSED, MOREOVER, IS THAT DETENTION OF ZANU
CADRES ARISES NOT FROM POLITICAL DIFFERENCES THAT MAY EXIST
BETWEEN THEM AND ZAMBIAN GOVT BUT AS DIRECT CONSEQUENCE OF

MURDERS AND OTHER CRIMES CARRIED OUT ON ZAMBIAN SOIL AGAINST
MEMBERS OF THEIR OWN MOVEMENT AND IN WHICH ZAMBIAN CHILD ALSO
LOST HIS LIFE. AS SOVEREIGN GOVT, GRZ CONSIDERS IT HAS
OBLIGATION TO INVESTIGATE AND, WHERE FACTS WARRANT, TO
PROSECUTE THOSE BELIEVED TO BE RESPONSIBLE.
NELSON

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